

06C-593

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Finance Division

OGC Has Reviewed

Legal Staff

12 December 1949

Transportation of Dependents.

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1. Reference is made to your memorandum of 17 November 1949, to which you attached Voucher for per diem submitted by [redacted] covering the period 8 July 1949 to 2 August 1949. There is also attached Travel Order [redacted] and memorandum from the Passenger Section, Transportation Branch, to your division in connection with the travel of [redacted] and his dependents. The facts of this case appear to be as follows: The employee, under competent travel authority, proceeded from [redacted] under to San Diego, California for home leave purposes. On the completion of home leave he then proceeded to Washington, D.C. for temporary duty not to exceed 30 days. On completion of temporary duty he proceeded to [redacted], [redacted] via New York on a change of station authorized under the aforesaid orders. The dependents, in the meantime, had remained in San Diego, the place of residence, and are awaiting completion of the employee's home leave and temporary duty assignment.

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2. The employee's dependents were authorized transportation at Government expense from San Diego to [redacted]. Alternate modes of travel were authorized under the aforesaid travel order, namely, travel by air or vessel. Efforts were made to obtain first class accommodations by way of New Orleans, there being no vessel passenger lines between San Diego, California and [redacted]. According to the Chief of the Passenger Section, Transportation Branch, reservations were requested on the Delta Line sailing from New Orleans on 30 March 1949, and on 12 April 1949 the Delta Line advised that the bookings were complete and no reservations would be possible until after September. The Chief, Passenger Section, stated that air reservations from San Diego to [redacted] might have been procured for the employee's wife and small son but, as a result of a request from the Branch for sea travel, no attempt was made by the Transportation Branch to procure reservations via air. On the basis of the foregoing facts, you have inquired whether employee and his dependents should be held to the cost of travel by airplane, if it is lower to the Government than the cost of travel by vessel, or may the employee be reimbursed for the cost of travel by vessel over the most direct route available at the time.

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3. The Standardized Government Travel Regulations regarding routing of travel and travel by indirect-route provide as follows;

"9. Routing and travel. - All travel must be by the most

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economical usually traveled route. Travel by other routes may be allowed when the official necessity therefor is satisfactorily established.

"10. Indirect-route travel. - In case a person travels by an indirect-route for his own personal convenience, the extra expense will be borne by himself and reimbursement for expenses will be based only on such charges as were actually incurred, not to exceed what would have been incurred by the most economical usually traveled route."

h. Travel under the above paragraphs is required to be by the most economical usually traveled authorized ticketed route or one equalizing the cost thereof. It is apparent that any exceptions must be justified on the basis of official necessity, or the cost is attributable to the employee. Therefore, if an employee or his dependents travel by an indirect-route for their convenience, the employee will be reimbursed only to the extent of the charges that would have been incurred by the most economical usually traveled route. Employees and their dependents are authorized to travel by either air or vessel, and in the event travel by air is in excess of travel by vessel the excess is allowable without regard to the comparative costs of transportation by aircraft with other modes of transportation. (Act of June 23, 1938, 52 Stat. 983)

5. Illustrative of the above principle is 18 Comp. Gen. 971, wherein it was held that upon a change of station the employee's dependents may precede, accompany, or follow him to his new post, and reimbursement of the expense of the travel is limited to the cost of travel over the direct route. In that case the family accompanied the employee from [REDACTED]

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[REDACTED] upon change of station with orders to proceed via Washington, D.C. for the purpose of consultation in the Department of State. It appeared that the dependents could have traveled from the old to the new post via New Orleans at a lesser cost to the Government. It was, therefore, held that travel by the vessels of the Delta Line was more direct and economical than that via any other available route and, therefore, the travel through that line was considered as establishing the shortest usually traveled route between the points involved.

6. The Comptroller has also had occasion to comment on the employee's right to make alternate arrangements where travel is not reasonably available via the most economical usually traveled route. In 18 Comp. Gen. 973, quoting from the syllabus, it was held:

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"Where the services of a Foreign Service clerk are urgently needed at his new post of duty in [REDACTED] and vessels of the Delta Line via New Orleans - the most economical usually traveled route between the points involved - are not available for first-class minimum accommodations except at a time which would delay arrival for several days over that of travel via the port of New York, travel via the latter port is authorized notwithstanding the additional expense involved, but were earlier arrival would not of itself excuse a failure to await first-class minimum accommodations via New Orleans."

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"Whether the route via the port of New Orleans, or the route via New York, should be used in connection with official travel of Foreign Service personnel between southern points in the United States, ports in [REDACTED] countries to ports on the east coast of [REDACTED] or vice versa, may not be decided generally, the route to be used being for determination from the circumstances and comparative costs of each individual case."

7. It is to be noted that the above decision was restricted to a consideration of the official factors which would serve to justify the employee selecting a mode of travel other than the one initially indicated. It is difficult to perceive in what manner an official justification can be advanced to authorize an alternate mode of travel for the benefit of an employee's dependents. It cannot be urged that their presence at the new post is essential or necessary in the interest of the Government. Although it is desirable that an employee and his dependents travel together, it does not follow that in order to achieve this result that the excess costs be borne by the Government.

8. It is the opinion of this office, therefore, that the employee and his dependents should be held to the cost of travel by airplane from San Diego, California to [REDACTED] inasmuch as it was the most direct route available at the time.

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Legal Decisions ✓

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